

(4) The inspection or copying of a document under paragraph (g) of this section shall not in any way affect any property right of the owner or operator in such document under laws for the protection of intellectual property, including the copyright laws.

§ 63.312 Existing regulations and requirements.

(a) The owner or operator shall comply with all applicable State implementation plan emission limits and (subject to any expiration date) all federally enforceable emission limitations which are contained in an order, decree, permit, or settlement agreement for the control of emissions from offtake systems, topside port lids, coke oven doors, and charging operations in effect on September 15, 1992, or which have been modified according to the provisions of paragraph (c) of this section.

(b) Nothing in this subpart shall affect the enforcement of such State implementation plan emission limitations (or, subject to any expiration date, such federally enforceable emission limitations contained in an order, decree, permit, or settlement agreement) in effect on September 15, 1992, or which have been modified according to the provisions in paragraph (c) of this section.

(c) No such State implementation plan emission limitation (or, subject to any expiration date, such federally enforceable emission limitation contained in an order, decree, permit, or settlement agreement) in effect on September 15, 1992, may be modified under the Act unless:

(1) Such modification is consistent with all requirements of section 110 of the Act; and either

(i) Such modification ensures that the applicable emission limitations and format (e.g., single pass v. multiday average) in effect on September 15, 1992, will continue in effect; or

(ii) Such modification includes a change in the method of monitoring (except frequency unless frequency was indicated in the State implementation plan, or subject to any expiration date, other federally enforceable requirements contained in an order, decree, permit, or settlement agreement) that

is more stringent than the method of monitoring in effect on September 15, 1992, and that ensures coke oven emission reductions greater than the emission reductions required on September 15, 1992. The burden of proof in demonstrating the stringency of the methods of monitoring is borne by the party requesting the modification and must be made to the satisfaction of the Administrator; or

(iii) Such modification makes the emission limitations more stringent while holding the format unchanged, makes the format more stringent while holding the emission limitations unchanged, or makes both more stringent.

(2) Any industry application to make a State implementation plan revision or other adjustment to account for differences between Method 303 in appendix A to this part and the State's method based on paragraph (c)(1)(ii) of this section shall be submitted within 12 months after October 27, 1993.

(d) Except as specified in § 63.307(f), nothing in this subpart shall limit or affect any authority or obligation of Federal, State, or local agencies to establish emission limitations or other requirements more stringent than those specified in this subpart.

(e) Except as provided in § 63.302(c), section 112(g) of the Act shall not apply to sources subject to this subpart.

§ 63.313 Delegation of authority.

(a) In delegating implementation and enforcement authority to a State under section 112(d) of the Act, the authorities contained in paragraph (c) of this section shall be retained by the Administrator and not transferred to a State.

(b) Whenever the Administrator learns that a delegated agency has not fully carried out the inspections and performance tests required under § 63.309 for each applicable emission point of each battery each day, the Administrator shall immediately notify the agency. Unless the delegated agency demonstrates to the Administrator's satisfaction within 15 days of notification that the agency is consistently carrying out the inspections and performance tests required under § 63.309 in the manner specified in the

Pt. 63, Subpt. L, App. A

40 CFR Ch. I (7–1–97 Edition)

preceding sentence, the Administrator shall notify the coke oven battery owner or operator that inspections and performance tests shall be carried out according to §63.309(a)(5). When the Administrator determines that the delegated agency is prepared to consistently perform all required inspections and performance tests each day, the Administrator shall give the coke oven battery owner or operator at least 15 days notice that implementation will revert back to the previously delegated agency.

(c) Authorities which will not be delegated to States:

- (1) §63.302(d);
- (2) §63.304(b)(6);
- (3) §§63.305 (b), (d) and (e);
- (4) §63.307(d); and
- (5) Section 2 of Method 303 in appendix A to this part.

(d) The authority to enforce this subpart is delegated to the States of: [Reserved]

APPENDIX A TO SUBPART L—OPERATING COKE OVEN BATTERIES AS OF APRIL 1, 1992

No.	Plant	Battery
1	ABC Coke, Tarrant, AL	A 5 6
2	Acme Steel, Chicago, IL	1 2
3	Armco, Inc., Middletown, OH	1 2 3
4	Armco, Inc., Ashland, KY	3 4
5	Bethlehem Steel, Bethlehem, PA	A 2 3
6	Bethlehem Steel, Burns Harbor, IN	1 2
7	Bethlehem Steel, Lackawanna, NY	7 8
8	Citizens Gas, Indianapolis, IN	E H 1
9	Empire Coke, Holt, AL	1 2
10	Erie Coke, Erie, PA	A B
11	Geneva Steel, Provo, UT	1 2 3 4
12	Gulf States Steel, Gadsden, AL	2 3
13	Inland Steel, East Chicago, IN	6 7 9 10
14	Jewell Coal and Coke, Vansant, VA	11 2 3A 3B

APPENDIX A TO SUBPART L—OPERATING COKE OVEN BATTERIES AS OF APRIL 1, 1992—Continued

No.	Plant	Battery
15	Koppers, Woodward, AL	3C 1 2A 2B 4A 4B 5 6
16	LTV Steel, Cleveland, OH	7
17	LTV Steel, Pittsburgh, PA	P1 P2 P3N P3S P4
18	LTV Steel, Chicago, IL	2
19	LTV Steel, Warren, OH	4
20	National Steel, Ecorse, MI	5
21	National Steel, Granite City, IL	A B
22	New Boston Coke, Portsmouth, OH	1
23	Sharon Steel, Monessen, PA	1B 2
24	Shenango, Pittsburgh, PA	1 4
25	Sloss Industries, Birmingham, AL	3 4 5
26	Toledo Coke, Toledo, OH	C
27	Tonawanda Coke, Buffalo, NY	1
28	USX, Clairton, PA	1 2 3 7 8 9 13 14 15 19 20
29	USX, Gary, IN	B 2 3 5 7
30	Wheeling-Pittsburgh, E. Steubenville, WV.	1 2 3 8

[58 FR 57911, Oct. 27, 1993; 59 FR 1992, Jan. 13, 1994]

Subpart M—National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities

SOURCE: 58 FR 49376, Sept. 22, 1993, unless otherwise noted.

§63.320 Applicability.

(a) The provisions of this subpart apply to the owner or operator of each dry cleaning facility that uses perchloroethylene.